

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ALISA PERSONS,

Civil No. 09-2884 (JRT/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

WDIO-TV AND HUBBARD
BROADCASTING,

Defendants.

Alisa Persons, 1625 Centerville Road, #22, Tallahassee, FL 32308, for plaintiff.

Joseph Roby, Jr. and Laura Weintraub, **JOHNSON KILLEN & SEILER**,
230 West Superior Street, Suite 800, Duluth, MN 55802, for defendants.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron, dated August 9, 2010 [Docket No. 36]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that:

1. That the Motions of the Defendants to Dismiss the Plaintiff's Amended Complaint for Insufficiency of Service of Process [Docket Nos. 7 and 14] be denied, and that the Plaintiff be afforded a period of thirty (30) days, after this Report and Recommendation becomes final, to serve the Defendants with a Summons, and her Amended Complaint, through the services of the United States Marshal.

2. That the Motion of the Defendant Hubbard Broadcasting, Inc., for Summary Judgment [Docket No. 7] be granted, and that the Plaintiff's claims against that Defendant be dismissed with prejudice.

3. That the Motions of the Defendants for the dismissal, with prejudice, of the Plaintiff's claims under the Occupational Safety and Health Act, Title 29 U.S.C. §§651, et seq. [Docket Nos. 7 and 14], be granted.

4. That the Motion of the Defendant WDIO-TV to Stay Litigation, and Compel Arbitration [Docket No. 14] be granted.

Dated: September 1, 2010
at Minneapolis, Minnesota

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge